



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Public hearing to consider an appeal to the Lodi City Council under Lodi Municipal Code Section 5.32.120 by Frances Elkins, dba Lakewood Health Spa, 1381 #B, West Lockeford Street, Lodi, of the Order of the Chief of Police revoking her Massage Business License under Lodi Municipal Code Section 5.32.110.

**MEETING DATE:** September 16, 1992

**PREPARED BY:** City Attorney

**RECOMMENDED ACTION:** Council public hearing of appeal in re the matter of an Order by the Chief of Police revoking the Massage Business License of Frances Elkins for the Lakewood Health Spa, 1381 #B, West Lockeford Street, Lodi.

**BACKGROUND:** As the Council is aware, during the month of May 1992, the Police Department investigated a number of massage establishments in the City of Lodi. As a result, there were several individual Massage Technician permits revoked by the Chief of Police. In addition, the business licenses for two massage establishments were also revoked, including the Lakewood Health Spa, 1381 #B, West Lockeford Street, Lodi. This business is owned by Frances Elkins.

On July 23, 1992, a hearing was held before the Chief of Police regarding the proposed revocation of the Massage Business License. Based on the facts noted in that letter (attached), the Business License was revoked.

At the request of Roy Edwards, attorney for Ms. Elkins, the matter of Ms. Elkins appeal was continued to the September 16, 1992 Council meeting. That matter is now before the Council for hearing and decision.

The rules for conduct of such hearing are the same as those utilized previously in the related hearings conducted August 5, 1992.

**FUNDING:** No applicable

Respectfully submitted,

Bob McNatt  
City Attorney

attachment

APPROVED \_\_\_\_\_

PDMASG.9/TXTA.01V

THOMAS A. PETERSON  
City Manager



recycled paper

LODI POLICE DEPARTMENT

JUL 24 1992

City Attorney's Office

Floyd A. Williams  
Chief of Police

Thomas A. Peterson  
City Manager



230 WEST ELM STREET  
LODI, CALIFORNIA 95240  
(209) 333-6727

*W*

July 23, 1992

~~Mr. Francisco J. Elkin~~  
[REDACTED]  
[REDACTED]

Ms. Elkins:

On July 23, 1992, at 9:00 a.m., a hearing **was** held at the Police Department regarding the revocation of your massage business license.

Upon completion of the hearing, it is my decision to revoke the license for your establishment. Two factors were paramount in my decision to revoke:

1. The widespread participation among your employees; at least three of the four employees were involved.
2. Prior incident two years ago where at least one employee was involved in the same type of activity.

In accordance with Section 5.32.120, you may appeal **this** decision to the **City Council** within five days of receipt of **this** letter. A copy of this Section is enclosed for your information and further instruction.

*Floyd Williams*

Floyd Williams  
Chief of Police

FAW:sm  
encls.

cc: Roy Edwards, Esq.  
Bob McNatt, Esq.  
Det. Foster

**DECLARATION OF MAILING**

On August 21, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

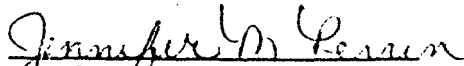
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 1992, at Lodi, California.

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Alice M. Reimche  
City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk



**CITY OF LODI**  
CARNEGIE FORUM  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: September 16, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk  
Telephone: 333-6702

**NOTICE OF PUBLIC HEARING**

September 16, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) to consider an appeal to the Lodi City Council under Lodi Municipal Code Section 5.32.120 by Frances Elkins, owner of Lakewood Health Spa, 1381 West Lockeford Street, Lodi, by order of the Chief of Police revoking her massage business license under Lodi Municipal Code Section 5.32.110.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche  
City Clerk

Gated: August 19, 1992

Approved as to form:

Bobby W. McNatt  
City Attorney

MASSAGE PARLOR LICENSE  
MAILING LIST  
EXHIBIT B

Floyd Williams  
Chief of Police

Bob McNatt  
City Attorney

Frances Elkins  
1381 West Lockeford Street  
Lodi, CA 95240

September 14, 1992

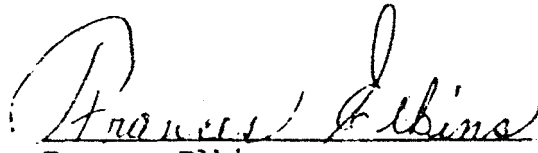
SEP 14 1992  
City Attorney's Office

TO WHOM IT MAY CONCERN:

I, Frances Elkins, am the owner of the Lakewood Health Spa, 1381 "B" West Lockeford Street, Lodi, California, and am the holder of a City of Lodi Permit to operate a massage establishment at that location.

After consultation with my attorney, I agree and consent to revocation for cause of such license and request that the hearing on this matter, now scheduled before the Lodi City Council on September 16, 1992, be dropped from the Agenda.

Dated September 14, 1992

  
\_\_\_\_\_  
Frances Elkins

RECEIVED

92 SEP 11 AM 10:11

ALICE H. REINOLD  
CITY CLERK  
CITY OF LODI

*September 10, 1992*

*Alice Reinold - City Clerk*

*In regards to the notice of public hearing:  
I, Francis Gibbins, owner of the former  
Lakeside Health Spa, would like to be removed  
from the City Council agenda on September 14, 1992  
at 7:30 p.m. I have closed the business,  
therefore do not need the license.*

*Thank you,  
Francis Gibbins,  
[REDACTED]  
Lodi, Ca. 95240  
[REDACTED]*